

AO 440 (Rev. 10/93) Summons in a Civil Action

*United States District Court*

FILED  
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2005 MAR 29 A 11:52

DISTRICT OF

MASSACHUSETTS

U.S. DISTRICT COURT  
DISTRICT OF MASS

THE MASSACHUSETTS INSTITUTE FOR A NEW  
COMMONWEALTH,

Plaintiff,

V.

**SUMMONS IN A CIVIL CASE**

CASE NUMBER:

NICHE MEDIA HOLDINGS, LLC,

Defendant.

**05 - 10422 PBS**

TO: NICHE MEDIA HOLDINGS, LLC  
275 Park Avenue South, 5<sup>th</sup> Floor  
New York, NY 10110

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Michael Boudett  
FOLEY HOAG LLP  
155 Seaport Blvd  
Boston, MA 02109

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



CLERK

DATE

3-7-05

(BY) DEPU

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
**THE MASSACHUSETTS INSTITUTE FOR  
A NEW COMMONWEALTH,**

Plaintiff(s),

-against-

**NICHE MEDIA HOLDINGS, LLC,**

Defendant(s).  
-----X

STATE OF NEW YORK )

S.S.:

COUNTY OF NEW YORK)

FILED  
CLERKS OFFICE

2005 MAR 29 A 11: 52

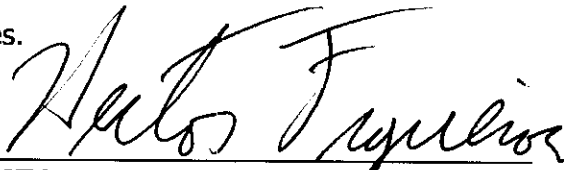
U.S. DISTRICT COURT  
Index No. 05-104 22-PBS

AFFIDAVIT OF SERVICE

**HECTOR FIGUEROA**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and is employed by the attorney service, DLS, INC.

That on the 21<sup>st</sup> day of March 2005, at approximately 12:40 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL CASE, COMPLAINT, JURY TRIAL DEMANDED, LOCAL RULE 7.3 CORPORATE DISCLOSURE STATEMENT AND CIVIL COVER SHEET** upon Niche Media Holdings, LLC at 257 Park Avenue South, 5<sup>th</sup> floor, New York, NY 10110, by personally delivering and leaving the same with Caryn Whitman, COO, who informed deponent that she is an agent authorized by appointment to receive service at that address.

Caryn Whitman is a white female, approximately 30 years of age, stands approximately 5 feet 7 inches tall, and weighs approximately 130 pounds with red hair and light eyes.

  
**HECTOR FIGUEROA #870141**

Sworn to before me this  
23<sup>rd</sup> day of **March**, 2005

  
NOTARY PUBLIC

**WARD DANIEL GOLDMAN**  
Notary Public, State Of New York  
NO. 31-5062405  
Qualified In NY County  
Certificate Filed In New York County  
Commission Expires July 1, 2006